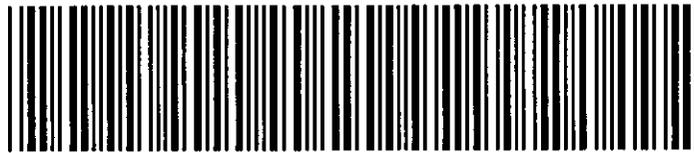


Zoning Board



2003



TOWN OF URBANA ZONING BOARD OF APPEALS
July 30, 2003

Present: Scott Burg, Chairman
Robert Domras
Richard Frey
Jerauld Holcombe
Norman Hann
Peggy Soles, Recording Secretary

Others Present: Richard and Marsha Watson, David L Pierce (Architect for the Watsons),
Thomas and Karen Deegan

Absent:

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on July 30, 2003 at 7:00 P.M. in the Town Hall.

Chairman Mr. Burg called the **Public Hearing** to order at 7:05 p.m. for Application #2003-022, Richard and Marsha Watson, 113 Russell Rd., Fanwood, NJ 07023 who has applied for a Variance pursuant to Section 105-16 (C) front yard set back, (D 1.) Front yard minimum 15 feet, to construct an open deck and covered porch to be less than 15 feet on his property located at 365 West Lake Road, Hammondsport, New York.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

No opinion from the Town of Urbana Planning Board was received.

No negative opinion from the County or any other government agency was received and is on file.

Letter from architect David L Pierce is on file.

Working drawings were reviewed and were read into record.

Survey map of the property was reviewed and read into record and is on file.

Plan view of the project was reviewed and is on file.

Site plans were reviewed and read into record.

Pictures of the property were reviewed and read into record.

Board member Mr. Burg explained to those present the duties and responsibilities of the Zoning Board of Appeals.

The applicant and Board members discussed the application purpose. Mr. pierce explained the proposed project for the variance to the Board members for the Watsons and responded to the board members questions. **This variance was recognized as a Type II SEQR.**

Mr. Burg asked Board members and others present if there were additional comments or questions.

The Public Hearing closed at 7:15 p.m.

Chairman Mr. Burg called the **Public Hearing** to order at 7:15 p.m. for Application #2003-024, Thomas and Karen Deegan PO Box 584, Hammondsport, NY 14843 have applied for a Variance pursuant to Section 150-41 to seek exemption for an optional vehicle rules supporting a hobby on their property located at 9002 Glenbrook Road, Hammondsport, New York.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Negative opinion from the Town of Urbana Planning Board with copy of GML section 136 was received and read into record and is on file.

Letter from Town of Urbana Code Enforcement Officer was read into record and is on file.

No negative opinion from the County or any other government agency was received.

Collectable car definition sheet was reviewed and is on file.

The applicant and Board members discussed the application purpose. Mr. And Mrs. Deegan explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:45 p.m.

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:55 p.m.

Board member Mr. Holcombe made a motion to approve the minutes of the meeting of April 22, 2003 as submitted. Seconded by Mr. Domras.

ROLL CALL VOTE:	Robert Domras	Aye
	Richard Frey	Aye
	Jerauld Holcombe	Aye
	Scott Burg	Aye
	Norman Hann	Aye

Motion carried by unanimous vote.

Old Business:

None

New Business:

Discussion in regards to ZBA hearing meetings.

ZBA meetings to be set up on the 3rd Wednesday of any given month in which they come up was proposed and agreed upon by all parties involved.

The application of Mr. And Mrs. Watson (#2003-022) was discussed.

Mr. Holcombe made a motion to approve the variance.

Motion seconded by Mr. Frey.

ROL CALL VOTE:	Robert Domras	Aye
	Jerauld Holcombe	Aye
	Richard Frey	Aye
	Scott Burg	Aye
	Norman Hann	Aye

A motion was made by Mr. Domras and seconded by Mr. Hann to accept the findings.

ROLL CALL VOTE:	Robert Domras	Aye
	Jerauld Holcombe	Aye
	Richard Frey	Aye
	Scott Burg	Aye
	Norman Hann	Aye

Motion carried by unanimous vote.

The application of Mr. And Mrs. Deegan (#2003-024) was discussed.

The ZBA has determined that it has no jurisdiction in GML section 136.

The ZBA did not approve/deny the variance and it was recommended that the applicant address this issue with the Town Board.

The ZBA to address the Town Board with a letter to be on file and copied to Mr. And Mrs. Deegan.

Motion to adjourn at 8:20 p.m. made by Mr. Holcombe and seconded by Mr. Frey. Carried by a unanimous voice vote.

Draft letter to be done at the close of the meeting.

Respectfully submitted,

Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals
SB:ps

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Richard and Marsha Watson
113 Russell Rd.
Fanwood, New Jersey, 07023**

**Variance No: 2003-022
Zoning District:
Published Notice on: July 14, 2003
Notice to County Sent on: 7/3/03
Hearing Held on: July 30, 2003**

**Property Location: 365 West Lake Rd., Hammondsport, NY 14840
Requirement for which Variance is requested: Front Setback (KSL)
15 feet front yard setback
Applicable Section of Town Zoning Code: 105-16(C)-D-1**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: New building will be in character with surrounding neighborhood.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: Depth of lot does not allow reasonable use of property without granting this variance.

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: Minimum required to accomplish new construction.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: Removal of existing, and construction of new structure will enhance the surrounding neighborhood.

5. Whether the alleged difficulty was self-created: Yes__ No **X**

Reasons: Lake lot size is narrow in depth and this variance minimizes lakeside encroachment.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

 The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.

 X The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: **The removal of existing structure and the construction of new, will be of benefit to surrounding neighborhood and this variance is the minimum required to accomplish this.**

DECISION

The ZBA further finds that a variance of **8 feet** from Section **105-16(C)-D-1** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **SEE ABOVE**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

No Conditions

Scott Burg (DP)
Chairman, Zoning Board of Appeals

8/28/03
Date

RECORD OF VOTE

	Member Name	<u>Findings</u>		<u>Decisions and Conditions</u>	
		<u>AYE</u>	<u>NAY</u>	<u>AYE</u>	<u>NAY</u>
Chair	Scott Burg	X	—	X	—
Member	Robert Domras	X	—	X	—
Member	Jerauld Holcombe	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann	x	—	x	—

TOWN OF URBANA ZONING BOARD OF APPEALS

April 22, 2003

Present: Scott Burg, Chairman
Richard Frey
Robert Domras
Jerauld Holcombe
Peggy Soles, Recording Secretary

Others Present: Thomas Muller, Rose Johndro, Francis J. and Mary R. Navone, Anthony Cavallard (neighbor to the Navone's).

Absent: Norman Hann

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on April 22, 2003 at 7:00 P.M. in the Town Hall.

Chairman Mr. Burg called the **Public Hearing** to order at 7:05 p.m. for Application #2003-012, Thomas Muller, 39 Warden St., Bath, NY 14810, who has applied for a Variance pursuant to Section 105-59 of the Town Code setback to construct a 10'X16' deck with 2 exit doors off the 2nd floor on his property at 374 East Lake Road, Hammondsport, NY 14840.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

No opinion from the Town of Urbana Planning Board was received.

Statement from neighbors was mentioned and is on file.

Survey map of the property was reviewed and read into record and is on file.

No negative opinion from the County or any other government agency was received and is on file.

Board member Mr. Burg explained to those present the duties and responsibilities of the Zoning Board of Appeals.

The applicant and Board members discussed the application purpose. Ms. Johndro explained the proposed project for the variance to the Board members for Mr. Muller and both Ms. Johndro and Mr. Muller responded to the board members questions. This variance was recognized as a Type II SEQR.

Mr. Burg asked Board members and others present if there were additional comments or questions.

The Public Hearing closed at 7:15p.m.

Chairman Mr. Burg called the **Public Hearing** to order at 7:15 p.m. for Application #2003-015, Francis J and Mary R. Navone, 393 East Lake Road, PO Box 325, Hammondsport, NY 14840 who has applied for a Variance pursuant to Section 150-59 Article III Area and Bulk Regulations of the Town Code to extend the rear of new house 14' along the existing back yard setback parallel lower road from existing 30' to proposed 44' overall for new permanent residence.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

No opinion from the Town of Urbana Planning Board was received.

No negative opinion from the County or any other government agency was received.

Neighbor to the North was present.

The applicant and Board members discussed the application purpose. Mr. And Mrs. Navone explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions. This was recognized as a Type II SEQR.

The Public Hearing closed at 7:25 p.m.

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:25 p.m.

Board member Mr. Frey made a motion to approve the minutes of the meeting of March 14, 2003 as submitted. Seconded by Mr. Domras.

ROLL CALL VOTE:	Robert Domras	Aye
	Richard Frey	Aye
	Jerauld Holcombe	Aye
	Scott Burg	Aye

Motion carried by unanimous vote.

Old Business:

None

New Business:

The application of Mr. Muller (#2003-012) was discussed.

Mr. Holcombe made a motion to approve the variance.

Motion seconded by Mr. Frey.

ROL CALL VOTE:	Robert Domras	Aye
	Jerauld Holcombe	Aye
	Richard Frey	Aye
	Scott Burg	Aye

A motion was made by Mr. Domras and seconded by Mr. Frey to accept the findings.

ROLL CALL VOTE:

Robert Domras	Aye
Jerauld Holcombe	Aye
Richard Frey	Aye
Scott Burg	Aye

Motion carried by unanimous vote.

The application of Mr. And Mrs. Navone (#2003-015) was discussed.

Mr. Holcombe made a motion to approve the variance.

Motion seconded by Mr. Domras.

ROL CALL VOTE:

Robert Domras	Aye
Jerauld Holcombe	Aye
Richard Frey	Aye
Scott Burg	Aye

A motion was made by Mr. Domras and seconded by Mr. Frey to accept these findings.

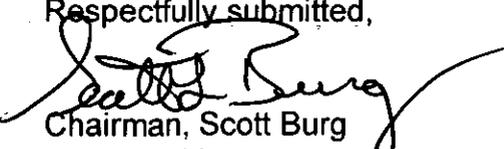
ROLL CALL VOTE:

Robert Domras	Aye
Jerauld Holcombe	Aye
Richard Frey	Aye
Scott Burg	Aye

Motion carried by unanimous vote.

Motion to adjourn at 8:00 p.m. made by Mr. Frey and seconded by Mr. Holcombe. Carried by a unanimous voice vote.

Respectfully submitted,


Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals

SB:ps
MW: docs/urbana/4-22-03

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Thomas Muller
39 Warden St.
Bath, NY 14840**

**Variance No: 2003-012
Zoning District:
Published Notice on: April 3, 2003
Notice to County Sent on: 4-5-03
Hearing Held on: April 22, 2003**

**Property Location: 374 East Lake Rd., Hammondsport, NY 14840
Requirement for which Variance is requested: Rear Yard Setback.
Applicable Section of Town Zoning Code: 105-16C-1-D-2**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: In character with surrounding homes.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: This is reasonable use of property – Safety factor – Deck provides emergency egress and reasonable use of second floor.

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: Minimum required to accomplish needed area for ease of egress/ingress.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: Is in character with surrounding neighborhood.

5. Whether the alleged difficulty was self-created: Yes__ No **X**

Reasons: Pre-existing building – this is the only acceptable means to provide 2nd floor egress/ingress.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

 The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.

 X The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: To provide reasonable and safe use of this building – The second floor deck is the best way to provide safe egress/ingress – Deck is within character of neighborhood.

DECISION

The ZBA further finds that a variance of 10 feet from Section 105-16C-1-D-2 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **SEE ABOVE**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **Design and construction meets requirements of the Town of Urbana Highway Superintendent.**

Adverse impact to be minimized: **Road shoulder impact.**


Chairman, Zoning Board of Appeals

5/3/03
Date

RECORD OF VOTE

	Member Name	<u>Findings</u>		<u>Decisions and Conditions</u>	
		AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—	X	—
Member	Robert Domras	X	—	X	—
Member	Jerauld Holcombe	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann		Absent		—

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Francis Navone
393 E. Lake Rd., Box 325
Hammondsport, NY 14840**

**Variance No: 2003-015
Zoning District:
Published Notice on: April 3, 2003
Notice to County Sent on: 4-5-03
Hearing Held on: April 22, 2003**

**Property Location: 393 East Lake Rd., Hammondsport, NY 14840
Requirement for which Variance is requested: Rear Yard Setback.
Applicable Section of Town Zoning Code: 105-16C-1-D-2**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: New building will be in character with surrounding neighborhood.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: Existing footprint of the building will minimize front setback from the lake.

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: Minimum required to accomplish new construction.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: Removal of existing, and construction of new structure will enhance the surrounding neighborhood.

5. Whether the alleged difficulty was self-created: Yes__ No **X**

Reasons: Lake lot size is narrow in depth and this variance minimizes lakeside encroachment.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

 The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.

 X The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: The removal of existing structure and the construction of new, will be of benefit to surrounding neighborhood and this variance is the minimum required to accomplish this.

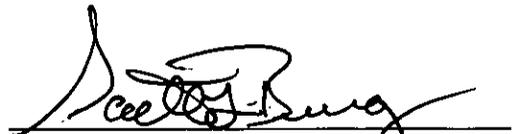
DECISION

The ZBA further finds that a variance of 5.5 feet from Section 105-16C-1-D-2 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **SEE ABOVE**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **Design and construction meets requirements of the Town of Urbana Highway Superintendent.**

Adverse impact to be minimized: **Road shoulder impact.**


Chairman, Zoning Board of Appeals

5/3/03
Date

		RECORD OF VOTE		Decisions and	
		<u>Findings</u>		<u>Conditions</u>	
	Member Name	AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—	X	—
Member	Robert Domras	X	—	X	—
Member	Jerauld Holcombe	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann		Absent		—

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

Applicant: **Thomas Muller**
39 Warden St.
Bath, NY 14840

Variance No: **2003-012**
Zoning District:
Published Notice on: **April 3, 2003**
Notice to County Sent on: _____
Hearing Held on: **April 22, 2003**

Property Location: **374 East Lake Rd., Hammondsport, NY 14840**
Requirement for which Variance is requested: **Rear Yard Setback.**
Applicable Section of Town Zoning Code: **105-16C-1-D-2**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: **In character with surrounding homes.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: **This is reasonable use of property – Safety factor – Deck provides emergency egress and reasonable use of second floor.**

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: **Minimum required to accomplish needed area for ease of egress/ingress.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: **Is in character with surrounding neighborhood.**

5. Whether the alleged difficulty was self-created: Yes__ No **X**

Reasons: **Pre-existing building – this is the only acceptable means to provide 2nd floor egress/ingress.**

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

 The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.

 X The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: To provide reasonable and safe use of this building – The second floor deck is the best way to provide safe egress/ingress – Deck is within character of neighborhood.

DECISION

The ZBA further finds that a variance of **10** feet from Section **105-16C-1-D-2** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **SEE ABOVE**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: Design and construction meets requirements of the Town of Urbana Highway Superintendent.

Adverse impact to be minimized: **Road shoulder impact.**

Chairman, Zoning Board of Appeals Date

RECORD OF VOTE

		<u>Findings</u>		<u>Decisions and Conditions</u>	
	Member Name	AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—	X	—
Member	Robert Domras	X	—	X	—
Member	Jerauld Holcombe	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann		Absent		

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Francis Navone
393 E. Lake Rd., Box 325
Hammondsport, NY 14840**

**Variance No: 2003-015
Zoning District:
Published Notice on: April 3, 2003
Notice to County Sent on: _____
Hearing Held on: April 22, 2003**

**Property Location: 393 East Lake Rd., Hammondsport, NY 14840
Requirement for which Variance is requested: Rear Yard Setback.
Applicable Section of Town Zoning Code: 105-16C-1-D-2**

**Findings:
FACTORS CONSIDERED:**

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: New building will be in character with surrounding neighborhood.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: Existing footprint of the building will minimize front setback from the lake.

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: Minimum required to accomplish new construction.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: Removal of existing, and construction of new structure will enhance the surrounding neighborhood.

5. Whether the alleged difficulty was self-created: Yes__ No **X**

Reasons: Lake lot size is narrow in depth and this variance minimizes lakeside encroachment.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.
- The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: The removal of existing structure and the construction of new, will be of benefit to surrounding neighborhood and this variance is the minimum required to accomplish this.

DECISION

The ZBA further finds that a variance of 5.5 feet from Section 105-16C-1-D-2 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **SEE ABOVE**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: Design and construction meets requirements of the Town of Urbana Highway Superintendent.

Adverse impact to be minimized: Road shoulder impact.

Chairman, Zoning Board of Appeals	Date
-----------------------------------	------

RECORD OF VOTE

	Member Name	<u>Findings</u>		<u>Decisions and Conditions</u>	
		AYE	NAY	AYE	NAY
		Chair	Scott Burg	X	—
Member	Robert Domras	X	—	X	—
Member	Jerauld Holcombe	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann		Absent		—

TOWN OF URBANA ZONING BOARD OF APPEALS

March 14, 2003

Present: Chairman, Scott Burg
Richard Frey, member
Norman Hann, member
Peggy Soles, Recording Secretary

Others Present: Roger Bates, Trafford Doherty for the Curtiss Museum, Peter Baker attorney for The Curtiss Museum, Dave Oliver Town CEO

Absent: Robert Domras, Jerauld Holcombe

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on March 14, 2003 at 7:00 P.M. in the Town Hall.

Chairman Mr. Burg called the **Public Hearing** to order at 6:58 p.m. for Application #2003-007, Curtiss Museum, 8419 Rt 54, Hammondsport, New York 14840 who has applied for a Variance pursuant to Section 86-6 of the Code of the Town of Urbana, for an exempt sign which exceeds the permitted size. Description for the variance: C - 46 Twin Engine Plane, as a static display.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

No opinion from the Town of Urbana Planning Board was received.

Neighbor to North of the Curtiss Museum was present

A response was received with no negative opinion from the County or any other government agency.

Board member Mr. Burg explained to those present the duties and responsibilities of the Zoning Board of Appeals.

The applicant and Board members discussed the application purpose. Curtiss Museum explained the proposed project for the variance to the Board members and responded to their questions. This was recognized as a Type II SEQR.

Mr. Burg asked Board members and others present if there were additional comments or questions.

Neighbor to the north side of the Curtiss Museum voiced no objection to the variance.

The Public Hearing closed at 7:10 p.m.

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:10 p.m.

Board member Mr. Frey made a motion to approve the minutes of the meeting of January 30, 2003 as submitted. Seconded by Mr. Hann and carried by a unanimous voice vote.

ROLL CALL VOTE:	Norman Hann	Aye
	Richard Frey	Aye
	Scott Burg	Aye

Motion carried by unanimous vote.

Old Business:

None

New Business:

The application of Curtiss Museum (#2003-007) was discussed with the definition of "sign" being clarified as a display or monument. Mr. Hann made a motion to approve the variance.

Motion seconded by Mr. Frey.

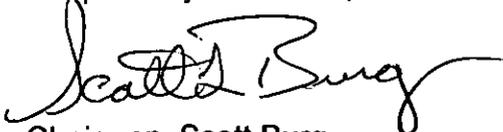
A motion was made by Mr. Frey and seconded by Mr. Hann to accept the findings.

ROLL CALL VOTE:	Norman Hann	Aye
	Richard Frey	Aye
	Scott Burg	Aye

Motion carried by unanimous vote.

Motion to adjourn at 7:40 p.m. made by Mr. Frey and seconded by Mr. Hann. Carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals

SB:ps

CM: docs/urbana/3/14-03

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: **Curtiss Museum**
8419 Rt. 54
Hammondsport, NY
14840

Variance No: **2003-007**
Zoning District:
Published Notice on: **March 3, 2003**
Notice to County Sent on: _____
Hearing Held on: **March 14, 2003**

Property Location: **8419 Rt 54, Hammondsport, NY 14840**
Requirement for which Variance is requested: **Larger sized display sign.**
Applicable Section of Town Zoning Code: **86-6 Exempt signs (A)**

Findings:
FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: **Area is a light industrial/ commercial area and will not impact the neighborhood. Other large signs exist in the vicinity.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: **This is the best use of this sign (static display) and location and size will not impact others.**

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: **Size of the sign is much larger than 6 square feet, however, no means to reduce the size of the sign and is in reasonable limits with other signs in the area.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: **Area is a light industrial / commercial area and will not impact the neighborhood. Other large signs exist in the vicinity.**

5. Whether the alleged difficulty was self-created: Yes **X** No ____

Reasons: **Applicant could have not used the plane as a "sign" – but use of anything else, will not have the visual impact desired.**

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.
- The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

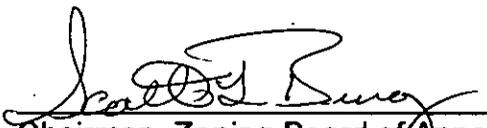
Reasons: Applicant benefits greatly from displaying this sign out front and would not see real benefit if recreated or variance denied.

DECISION

The ZBA further finds that a variance of substantially greater than 6 square feet from Section 86-6 (A) of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **Granting the variance, will allow applicant to use the sign efficiently while not impacting surrounding neighborhood or character of the area.**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Conditions: N/A


 Chairman, Zoning Board of Appeals

4/23/03
 Date

		RECORD OF VOTE		Decisions and	
		<u>Findings</u>		<u>Conditions</u>	
	Member Name	AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—	—	—
Member	Norman Hann	X	—	—	—
Member	Jerauld Holcombe	X	—	—	—
Member	Richard Frey	X	—	—	—
Member	Absent	—	—	—	—

TOWN OF URBANA ZONING BOARD OF APPEALS
January 30, 2003

Present: Scott Burg, Member
Richard Frey
Norman Hann
Jerauld Holcombe
Peggy Soles, Recording Secretary

Others Present: Randolph Weaver, Gay Weaver, Karen Estep, James Estep, Karen Deegan,
Thomas Deegan, Rex Simpson, Charles Ward, Bonnie Ward

Absent: Robert Domras

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on January 30, 2003 at 7:00 P.M. in the Town Hall.

Chairman Mr. Burg called the **Public Hearing** to order at 7:00 p.m. for Application #2002-026, Randolph Weaver, 88 Genesee St., Hornell, New York 14843 has applied for a Variance pursuant to Section 105-4 Article III Set back requirement of the Town Code. Mr. Weaver is seeking relief from the rear yard set back to enclose a 4'x16' area adjoining the home to make the building rectangular in shape located at 441 East Lake Road, Hammondsport, New York.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

No opinion from the Town of Urbana Planning Board was received.

Letters from neighbors were read into record and are on file.

Copy of letter of concern to the Town of Urbana Code Enforcers, Marvin and Terry is on file.

Notification of inquiry or complaint is on file.

Survey map of the property and photos were reviewed and read into record and are on file.

Neighbors were present.

No negative opinion from the County or any other government agency was received.

Board member Mr. Burg explained to those present the duties and responsibilities of the Zoning Board of Appeals.

The applicant and Board members discussed the application purpose. Mr. Weaver explained the proposed project to include a map and drawings of the area for variance to the Board members and responded to their questions. This was recognized as a Type II SEQR.

Mr. Burg asked Board members and others present if there were additional comments or questions.

Neighbors, Mr. And Mrs. Estep residing at 442 East Lake Rd., spoke of their concerns for the variance.

Neighbor Charles Ward spoke of his favorable opinion for the variance.

Drawings for proposed structure from architect, Rex Simpson were reviewed.

The Public Hearing closed at 7:37 p.m.

Mr. Burg called the **Public Hearing** to order at 7:37 p.m. for the Appeal from Thomas and Karen Deegan of the Code enforcer's Determination filed by the Deegans, 9002 Glenbrook Road, Hammondsport, New York.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Letter of no opinion from the Town of Urbana Planning Board is on file.

Town of Urbana Code Enforcement Officers Report to include Exhibit's A through O was acknowledged and is on file.

No negative opinion from the County or any other government agency was received.

Board member Mr. Burg explained to those present the duties and responsibilities of the Zoning Board of Appeals.

The applicant and Board members discussed the application purpose. Mr. And Mrs. Deegan explained the situation to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:56 p.m.

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 8:03 p.m.

Board member Mr. Holcombe made a motion to approve the minutes of the meeting of November 14th and 21st, 2002 as submitted. Seconded by Mr. Burg and carried by a unanimous voice vote.

ROLL CALL VOTE:	Norman Hann	Aye
	Richard Frey	Aye
	Jerauld Holcombe	Aye
	Scott Burg	Aye

Motion carried by unanimous vote.

Old Business:

None

New Business:

A motion was made to nominate Board member Scott Burg as Chairman of the Board by Mr. Holcombe and seconded by Mr. Frey.

ROLL CALL VOTE:	Norman Hann	Aye
	Jerauld Holcombe	Aye
	Richard Frey	Aye
	Scott Burg	Aye

Motion Carried by unanimous vote.

The application of Mr. Weaver (#2002-026) was discussed in great length. Mr. Burg made a motion to approve the variance.

Motion seconded by Mr. Holcombe.

A motion was made by Mr. Holcombe and seconded by Mr. Frey to accept the findings.

ROLL CALL VOTE:	Norman Hann	Aye
	Jerauld Holcombe	Aye
	Richard Frey	Aye
	Scott Burg	Aye

Motion carried by unanimous vote.

The application of The Deegan's was discussed. Mr. Burg recommended after reviewing all material, this is a non-pre existing use property and will require a Special Use Permit to be reviewed by the Town Planning Board.

A motion was made by Mr. Burg and Mr. Holcombe and seconded by Mr. To accept these findings.

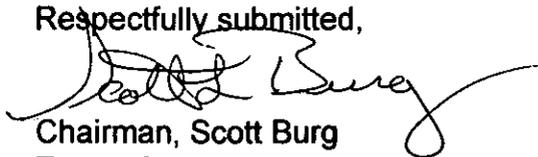
ROLL CALL VOTE:

Norman Hann	Aye
Jerauld Holcombe	Aye
Richard Frey	Aye
Scott Burg	Aye

Motion carried by unanimous vote.

Motion to adjourn at 8:40 p.m. made by Mr. Burg and seconded by Mr. Frey. Carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals

SB:ps

MW: docs/urbana/1-30-03

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Randolph Weaver
88 Genesee St.
Hornell, NY
14843**

**Variance No: 2002-026
Zoning District: Keuka Lake Shoreline
Published Notice on: Jan. 14, 2003
Notice to County Sent on: _____
Hearing Held on: Jan. 30, 2003**

**Property Location: 441 East Lake Road, Hammondsport, NY 14840
Requirement for which Variance is Requested: Rear Yard Depth to Shore
Applicable Section of Town Zoning Code: 105-16-C-1-D-2**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: Request Variance will not effect neighbors and does not encroach any further than pre-existing building.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: Best use of property is to add to the back, sides and front remain on existing footprint.

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: Minimal impact. DOT right of way to rear of structure best use of property.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: Minimal effect in conforming with surrounding neighborhood.

5. Whether the alleged difficulty was self-created: Yes **X** No __

Reasons: To accomplish project. This is the most reasonable use of property.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.
- The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: **Strict application of the provisions of Chapter 105-16-C-1-D-2 would deprive applicant of reasonable use of this property and/or privileges enjoyed by other properties in the same zoning district in the vicinity.**

DECISION

The ZBA further finds that a variance of 4.0' from Section 105-16-C-1-D-2 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **This will allow the applicant reasonable use of the property and is in keeping with neighboring properties.**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Conditions: **N/A**


Chairman, Zoning Board of Appeals 2/20/03
Date

		RECORD OF VOTE		Decisions and Conditions	
		<u>Findings</u>		<u>Conditions</u>	
	Member Name	AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—	—	—
Member	Norman Hann	X	—	—	—
Member	Jerauld Holcombe	X	—	—	—
Member	Richard Frey	X	—	—	—
Member	Absent	—	—	—	—